

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN CALVERT,

CV. 07-1466-JE

Plaintiff,

ORDER

v.

J.E. THOMAS,

Defendant.

JELDERKS, Judge.

On April 9, 2008, plaintiff filed a document entitled "Motion for Summary Judgment" in which he asks the court to enter default judgment against defendant based on his failure to respond to plaintiff's Complaint. Default judgment is not appropriate because summons did not issue until April 9, 2008, the same date plaintiff filed his Motion. Accordingly, plaintiff's Motion (#14) is DENIED.

IT IS SO ORDERED.

DATED this 12th day of May, 2008.

/s/ John Jelderks

John Jelderks

United States Magistrate Judge